

House File 486 - Introduced

HOUSE FILE 486

BY ANDREWS

A BILL FOR

1 An Act relating to fundamental parental rights.

2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 597A.1 Fundamental parental rights.

2 1. The right to direct the upbringing, rearing,
3 associations, care, education, custody, and control of a
4 parent's child is a parent's fundamental right.

5 2. State action infringing on or interfering with this
6 fundamental right shall be subject to strict scrutiny and shall
7 be narrowly tailored to serve a compelling state interest.

8 3. Divorce or marital status shall not diminish this
9 fundamental right, render a parent unfit, or establish a
10 compelling state interest.

11 4. A parent is presumed to be a fit parent. This
12 presumption may be overcome only by clear and convincing
13 evidence.

14 5. It is presumed that the actions of a fit parent are in
15 the best interests of the parent's child. This presumption
16 may be overcome only by clear and convincing evidence. State
17 action to determine the best interests of the child shall not
18 be taken until the state overcomes such presumption.

19 EXPLANATION

20 The inclusion of this explanation does not constitute agreement with
21 the explanation's substance by the members of the general assembly.

22 This bill establishes fundamental rights of parents
23 relating to the upbringing, rearing, associations, care,
24 education, custody, and control of a parent's child with
25 which state action shall not infringe or interfere without
26 meeting the strict scrutiny level of judicial review. The bill
27 provides that divorce or marital status shall not diminish
28 the fundamental right, render a parent unfit, or establish
29 a compelling state interest. A parent is presumed to be
30 a fit parent, and the presumption may be overcome only by
31 clear and convincing evidence. The bill also provides that
32 it is presumed that the actions of a fit parent are in the
33 best interests of the parent's child; the presumption may be
34 overcome only by clear and convincing evidence; and state
35 action to determine the best interests of the child shall not

1 be taken until the state overcomes such presumption.